

Leo A. Fary
Provence, Tiffany N v. United States of America, et al

February 9, 2022

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
IN ADMIRALTY

TIFFANY N. PROVENCE, AS THE PERSONAL REPRESENTATIVE
OF THE ESTATE OF JUAN ANTONIO VILLALOBOS HERNANDEZ,

Plaintiff,

vs.

CASE NO. 2:21-cv-965-RMG

UNITED STATES OF AMERICA,
CROWLEY MARITIME CORPORATION,
CROWLEY GOVERNMENT SERVICES, INC.,
DETYENS SHIPYARD, INC. AND
HIGHTRAK STAFFING, INC. D/B/A
HITRAK STAFFING, INC.,
Defendants.

30(b)(6)

DEPOSITION OF: DETYENS SHIPYARD, INC.
BY: LEO A. FARY

DATE: February 9, 2022

TIME: 1:44 PM

LOCATION: Detyens Shipyards, Inc.
1670 Dry Dock Avenue, Suite 200
Building 236
North Charleston, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: TERRI L. BRUSSEAU

1 A. Yes.

2 Q. That's typical, isn't it?

3 A. Yes, I would think so, yeah.

4 Q. Okay. And so what role or what's your
5 understanding of the role that HiTrak plays in
6 providing a person like Mr. Hernandez for the job
7 here on a ship that's, you know, a Detyens
8 contract?

9 A. You know, I really can't answer that
10 question. I know what we do. We -- when we get --
11 for example, the ARCTIC, which is out in dry-dock
12 right now, when we get a job like that, we have
13 certain requirements, skills that are necessary to
14 do that work. And that we may have that
15 internally, we won't need any temporary employees
16 on that, skilled employees; but in the event we do,
17 once it's awarded, we would contact HiTrak and we
18 need 20 machines or we need...

19 Q. I got you. All right. And so when it
20 comes to Detyens' need for skilled labor, does
21 Detyens ever deal with anyone other than HiTrak or
22 do you exclusively go to HiTrak?

23 A. I would say exclusive to HiTrak unless
24 they could not provide those employees.

25 Q. Okay. Are you -- does that happen? Do

1 you ever go to HiTrak and figure out, wait a
2 minute, we've got to go somewhere else that you can
3 think of?

4 A. Very seldom over the years, but I would
5 have to say yes.

6 Q. Probably does happen from --

7 A. Time to time, yes.

8 Q. Time to time. Okay. Mr. Fary, do you
9 know how Detyens -- does Detyens have any hand in
10 actually selecting the particular employee that's
11 going to be assigned or delivered by HiTrak?
12 What's the best way to describe that? Is it sort
13 of delivery or --

14 A. No, I wouldn't think so. We would --
15 we would just tell them this is our need in terms
16 of skills, which could be -- again, it could be
17 machinists, it could be carpenters. It could be
18 any one of the skills that are necessary.
19 Pipefitters.

20 Q. Okay. And I would imagine based on the
21 testimony we got this morning that you are
22 dependent on Detyens' project managers and Detyens'
23 shop people to figure out what type of personnel is
24 going to be needed for a particular job?

25 A. Sure, in addition to our estimating

1 department, who is integral in that.

2 Q. So Detyens has a team of people that
3 look at a particular contract, figure out what
4 their labor needs might be and then typically go to
5 HiTrak in order to secure that?

6 A. If we need to, yes.

7 Q. Yeah. Okay.

8 A. They do more than just the labor too.
9 They do the materials and...

10 Q. Yeah. You mean they, all the Detyens'
11 side of it?

12 A. The estimators. That's how we come up
13 with a price to put on a particular project.

14 Q. Do you know just ballpark how many
15 employees Detyens actually has? When I say
16 Detyens, I mean, you know, full-time guys, not
17 HiTrak employees.

18 A. Today or?

19 Q. Ballpark today.

20 A. Today, I would say 200.

21 Q. Okay. And then the temporary staffing
22 needs or the specialized labor needs or whatever,
23 that ebbs and flows depending on what's going on?

24 A. Exactly.

25 Q. And do you know how long that

1 relationship has been in place with HiTrak to
2 provide the temporary or special labor as long as
3 you've been here?

4 A. Yes.

5 Q. Okay. So that relationship was in
6 place before you arrived, is that accurate?

7 A. Yes, sir.

8 Q. All right. And as far as you can tell
9 during your 15 to 20 years as the secretary and
10 treasurer for Detyens, has there been any material
11 or substantive changes to that relationship or has
12 it generally been the same the whole time?

13 A. Same the whole time.

14 Q. And as treasurer and secretary, do you
15 sort of play a direct role in securing temporary or
16 specialized labor?

17 A. No, sir.

18 Q. Okay. But you're generally aware of
19 how it works and you probably see how the money
20 flows?

21 A. Yes.

22 Q. Would be fair? All right. So with
23 something like that, how is -- what are the
24 financial arrangements between Detyens and HiTrak
25 when they provide, let's just say, ten machinists,

1 covered by that, we'll look at it in a minute --

2 A. Um-hum.

3 Q. -- are there any other agreements that
4 you're aware of between Detyens and HiTrak that
5 deal with the provision of temporary labor?

6 A. No, sir.

7 Q. Okay. So that's the master document by
8 which this relationship is governed, is that fair?

9 A. Yes, I think that's fair.

10 Q. Okay. And like you said, more or less
11 that relationship has worked effectively for the
12 last 15 or 20 years?

13 A. It has, yes.

14 Q. Okay. Let me see if I can find it.

15 A. And, you know -- probably ought to shut
16 up. Jamie will tell me that. You know, we've
17 signed that document, but the relationship has been
18 there for 15 years, so we pretty much operate as we
19 have operated without, you know, referencing that
20 document on a daily basis.

21 Q. Okay. Yeah, I would imagine that to be
22 the case.

23 A. Okay.

24 Q. And I think you made that pretty clear,
25 you know, generally this has been a good working

1 second sentence of Number 8 -- or third sentence,
2 excuse me. It says: HiTrak will also provide
3 safety inspections and supplemental safety guidance
4 to its employees through its own safety director.
5 Do you know who the safety director at HiTrak is?

6 A. Yes. That would be Paul Friedman.

7 Q. Okay. And do you know --

8 A. I don't know exactly his title, but
9 I -- he performs those duties.

10 Q. Okay. And so what sort of duties does
11 he perform to carry out this contractual provision?

12 A. I'm familiar with him performing
13 orientation, safety orientation, prior to employees
14 coming into the yard. And he does walk around the
15 yard and look for conditions that are unsafe.

16 Q. Okay. And Mr. Friedman is a HiTrak
17 employee in at least in those two areas, it's been
18 your experience that's what he does to discharge
19 this responsibility to do some safety inspections?

20 A. No, sir. Paul Friedman's a Detyens
21 employee that we use over at HiTrak and they pay
22 for.

23 Q. Okay. All right. So where it says
24 HiTrak shall provide safety inspections, you're
25 telling me that's normally done by Mr. Friedman --